

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

TODD TRAHAN,

Civil No. 08-4902 MJD/SRN

Petitioner,

v.

ORDER

STATE OF MINNESOTA,

Respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated August 19, 2008. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Petitioner's application for a writ of habeas corpus, (Docket No. 1), is DENIED;
2. Petitioner's application for leave to proceed in forma pauperis, (Docket No. 2), is DENIED; and
3. This action is summarily DISMISSED WITHOUT PREJUDICE.

DATED: _September 12, 2008.

s/Michael J. Davis
Chief Judge Michael J. Davis
United States District Court Judge